

SUPERVISORY TIP (MARCH 2009)

TOPIC: “USE OR LOSE” ANNUAL LEAVE

As a supervisor you are faced with the tough balancing act of managing administrative/ employee issues and work/projects. Even though the scheduling and using of “use or lose” annual leave is the responsibility of your employees, it is also an administrative responsibility of the supervisor. Specifically, as a supervisor, you should:

- Be aware of your employees’ leave balances when projecting/scheduling work to include overtime or compensatory time.
- Periodically, remind and encourage employees to schedule “use or lose” annual leave to avoid forfeiture at the end of the leave year.

The LAPD 3630.3 provides that when an employee submits a timely written request for annual leave and the work situation and timing do not allow rescheduling to avoid forfeiture at the end of the leave year, the leave may be denied or canceled only if the Center Director (or his/her designee) determines there is an exigency.

An exigency of public business is a **work** situation that is of such major importance and that as a result annual leave may not be used to avoid forfeiture. Situations that are not considered exigencies:

- An employee’s need to use previously restored annual leave to avoid forfeiture.
- An employee’s need to use compensatory time off to avoid forfeiture.
- An employee’s failure to schedule his/her use or lose throughout the leave year.

An exigency must exist throughout the leave year preventing employees from using scheduled use or lose annual leave. Therefore, it is important employees project and use their leave throughout the leave year. And, make sure they understand that if they wait until the end of the leave year to schedule their leave, you may not be able to certify that an exigency existed precluding their ability to schedule and use their use or lose annual leave.

Before a supervisor can disapprove a request to use “use or lose” annual leave, a request for approval of an exigency must be submitted at least 3 days prior to canceling or disapproving the scheduled/requested leave.

Sufficient information needs to be provided to the Center Director when requesting approval of an exigency. The Center Director will consider the overall importance of the exigency, which involves such factors as: cost, productivity, work schedules, safety and health, availability of reasonable alternatives for performing the work (such as assigning the work to other personnel who are not in the position of forfeiting leave), and the effects of postponement or redefinition of the work requirements.

At any time, even before LaRC reminders or calls are sent out about the scheduling of “use or lose” annual leave and requests for exigencies to be submitted to the Center Director, you can and should submit a request(s) as soon as you become aware an exigency exists.

When submitting a request for an exigency, ensure you:

- Are prepared to address the factors the Center Director needs to consider in determining an exigency exists.
 - Did you notify/remind your employee to project/schedule his/her “use or lose” annual leave at the beginning of the leave year?
 - Did you and/or your employee project his/her “use or lose” through WebTADS planner and attempt to make adjustments to allow for the use of leave?
 - What alternatives did you consider?
- Have appropriate documentation, i.e., WebTADS planner, email, etc. documenting the employee’s request to use “use or lose” annual leave.

If an exigency is approved, the employee’s request for leave must be denied before it can be restored.

If an exigency is requested and approved, and the employee takes some or all of their use or lose annual leave, in all likelihood there truly wasn’t an exigency. Remember the work situation drives the need to request an exigency not an employees desire not to use his/her “use or lose” annual leave.

Questions regarding the above information may be directed to OHCM, Rhonda Kendle, @ 49386 or Rhonda.a.kendle@nasa.gov. Questions regarding WebTADS should be directed to Autumn Picotte @ 41428 or autumn.d.picotte@nasa.gov.